

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:10-HC-2053-D

BENJAMIN B. JOSHUA, )  
Petitioner, )  
v. )                   **ORDER**  
TRACY JOHNS, WARDEN, )  
Respondent. )

On April 7, 2010, Benjamin B. Joshua (“Joshua” or “petitioner”), filed a pro se petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 [D.E. 1]. On April 29, 2010, Joshua filed a motion to appoint James B. Craven III as his lawyer [D.E. 6], which the court now GRANTS.

On June 16, 2010, respondent filed a motion to stay or dismiss [D.E. 11]. On August 4, 2010, respondent filed a second motion to stay [D.E. 20]. Joshua responded in opposition to the motions. On September 2, 2010, Joshua (through counsel) filed a notice of dismissal of the action because Joshua “was released from custody on September 1, 2010, . . . making this proceeding now moot” [D.E. 23]. In the notice of dismissal, Craven noted that the Federal Bureau of Prisons released Joshua from custody when the Fourth Circuit issued the mandate in United States v. Joshua, 607 F.3d 379 (4th Cir. 2010).

The court has reviewed Joshua’s petition and agrees that his release moots the petition. Accordingly, Joshua’s pending motions [D.E. 11, 20] are DENIED AS MOOT, and his petition [D.E. 1] is DISMISSED. The Clerk of Court shall close the case. Craven is DIRECTED to serve a copy of this order on Joshua.

SO ORDERED. This 28 day of September 2010.



JAMES C. DEVER III  
United States District Judge